

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JIMMIE JAMES NORMAN, JR.,)
)
Plaintiff,)
)
v.) Case No. _____
)
) Division No. _____
MARTEN TRANSPORT, LTD., a corporation,)
and RICHARD J. HAIGHT,)
)
)
Defendants.)

SERVE:

Marten Transport, LTD.
Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

Richard J. Haight
1682 Marbella Drive
Vista, CA 92081

COMPLAINT

COMES NOW the Plaintiff, Jimmie James Norman, Jr., by and through his undersigned attorneys, and for his cause of action against the Defendants, states as follows:

1. Plaintiff is a citizen and resident of the State of Texas.
2. Defendant Marten Transport, Ltd. is a corporation incorporated pursuant to the laws of the State of Delaware which maintains its principal place of business in the State of Wisconsin. At all times herein Defendant Marten

Transport, Ltd. acted by and through its agents, servants and/or employees, including Defendant Richard J. Haight.

3. Defendant Richard J. Haight is a citizen and resident of the State of California, who at all times herein was the agent, servant and/or employee of Defendant Marten Transport, Ltd.

4. The amount of damages claimed herein by Plaintiff exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

5. Jurisdiction is vested in the court pursuant to U.S.C. 28 § 1332 (a)(1).

6. On May 6, 2007 Plaintiff was asleep in the tractor portion of an eighteen wheel tractor trailer rig parked on the back parking lot of the Flying J Truck Stop located at 1 Camp Branch Road in Warren County, Missouri at which time the Defendants were operating an eighteen wheel tractor trailer rig which violently struck the tractor trailer rig in which Plaintiff was sleeping, causing injuries to Plaintiff as more fully set forth hereinafter.

7. The Defendants, and each of them, were negligent in causing injury to Plaintiff by their actions and/or inactions in one or more of the following respects:

a. They failed to exercise the highest degree of care in the operation of their vehicle;

b. They made an improper turn in the operation of their vehicle;

c. They failed to keep a careful lookout for other vehicles in the vicinity of the vehicle they were operating;

d. They failed to stop, swerve or take other evasive action to avoid striking the vehicle in which Plaintiff was sleeping;

- e. Richard J. Haight was operating the tractor trailer rig in an impaired state;
 - f. Richard J. Haight was operating the tractor trailer while fatigued, exhausted and in need of sleep.
 - g. Richard J. Haight was operating the tractor trailer in violation of Federal Motor Carrier Safety Regulations governing the maximum time limit that a driver should operate a tractor trailer rig;
 - h. Defendant Marten Transport, Ltd. failed to have an adequate safety program designed to prevent driver fatigue;
 - i. Defendant Marten Transport, Ltd. ignored the actions of Richard J. Haight and other similar drivers' violations of any safety programs they had regarding driver fatigue.
8. As a direct and proximate result of one or more of the foregoing negligent acts or omissions, the Plaintiff suffered injuries to his head, neck, shoulder, lower back and spine and right leg; he has suffered severe physical pain and suffering and will continue to do so in the future; he has sought and received necessary medical care and treatment, including surgery, and will continue to do so in the future; he has incurred expenses for his medical care and treatment and will continue to do so in the future; he has lost wages and benefits and will continue to do so in the future; he has suffered impairment and loss of his wage earning capacity and will continue to do so in the future; all to his damage in the sum of \$2,000,000.00.

WHEREFORE, Plaintiff, Jimmie James Norman, Jr., prays for judgment against the Defendants, and each of them jointly and severally, in a sum of money which is fair and reasonable to compensate Plaintiff for his damages sustained in the sum of \$2,000,000.00, plus costs of suit incurred herein and any further damages to which Plaintiff may be entitled.

PLAINTIFF DEMANDS TRIAL BY JURY

CLERK TO ISSUE SUMMONS ACCORDING TO THE LAW

BAUER & BAEBLER, PC

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